

Permit

Number: _____

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DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
COCOA REGULATORY FIELD OFFICE
400 HIGH POINT DRIVE, SUITE 600
COCOA, FLORIDA 32926

REPLY TO
ATTENTION OF

March 31, 2008

Special Project and Enforcement Branch
SAJ-2002-4954 (NW-AWP)

Florida Department of Transportation
Attn: Van Humphreys
1109 South Marion Ave.
Lake City, Florida 32025

Dear Mr. Humphreys:

Your application for a Department of the Army permit received on August 6, 2007, has been assigned number SAJ-2002-4954(NW-AWP). A review of the information and drawings provided shows the proposed work impacts 0.09 acre of waters of the United States for the construction of a 70 foot sheet pile tide barrier adjacent to Jasmine Blvd at Egan's Creek. The tide barrier will be placed to help prevent salt water from flowing south of Jasmine Blvd. The weir will include three 24 inch flap gate orifices to allow freshwater to continue to flow north. The project is located in Section 17, Township 3 North, Range 28 East, Fernandina Beach, Nassau County.

Your project, as depicted on the received drawings, is authorized by Nationwide Permit (NWP) Number 27. In addition, project specific conditions have been enclosed. This verification is valid until March 28, 2010. Please access the U.S. Army Corps of Engineers' Jacksonville District's Regulatory web address at <http://www.saj.usace.army.mil/regulatory/permitting/nwp/nwp.htm> to access web links to view the Final Nationwide Permits, Federal Register Vol. 72, dated March 12, 2007, the Corrections to the Final Nationwide Permits, Federal Register 72, May 8, 2007, and the List of Regional Conditions. These files contain the description of the Nationwide Permit authorization, the Nationwide Permit general conditions, and the regional conditions, which apply specifically to this verification for NWP 27. Additionally, enclosed is a list of the six General Conditions, which apply to all Department of the Army authorizations. You must comply with all of the special and general conditions and any project specific condition of this authorization or you may be subject to enforcement action. In

the event you have not completed construction of your project within the specified time limit, a separate application or re-verification may be required.

The following special conditions are included with this verification:

1. Within 60 days of completion of the work authorized, the attached "Self-Certification Statement of Compliance" must be completed and submitted to the U.S. Army Corps of Engineers. Mail the completed form to the Regulatory Division, Enforcement Section, Post Office Box 4970, Jacksonville, Florida 32232-0019.

2. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

3. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Permittee or other party on the Permittee's behalf, shall conduct a search in the National Register Information System (NRIS). Information can be found at; <http://www.cr.nps.gov/nr/research/nris.htm>. Information on properties eligible for inclusion in the National Register can be identified by contacting the Florida Master File Office by email at fmsfile@dos.state.fl.us or by telephone at 850-245-6440.

If unexpected cultural resources are encountered at any time within the project area that was not the subject of a previous cultural resource assessment survey, work should cease in the immediate vicinity of such discoveries. The permittee, or other

party, should notify the SHPO immediately, as well as the appropriate Army Corps of Engineers office. After such notifications, project activities should not resume without verbal and/or written authorization from the SHPO.

If unmarked human remains are encountered, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, Florida Statutes, unless on Federal lands. After such notifications, project activities on non-Federal lands shall not resume without verbal and/or written authorization from the Florida State Archaeologist for finds under his or her jurisdiction.

4. The permittee agrees to monitor water levels, surface water salinity levels, and soil salinity levels in approximately 50 acres of wetlands located south of Jasmine Blvd and identified in attachment 3. These wetlands shall be monitored for a minimum of 1 year. Monitoring stations shall be located at, but not limited to, just south of Jasmine Blvd. and north of Sadler Road. If high salinity levels are recorded south of Sadler Road another monitoring station should be located south of said station. At the completion of the monitoring period the permittee shall submit a comprehensive restoration plan which provides detailed functional value replacement within Egan's Creek. The U.S. Army Corps of Engineers reserves the right to fully evaluate, amend, and approve or reject the restoration proposal.

5. Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas adjacent to wetlands shall be stabilized using sod, degradable mats, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.

6. All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the

following address: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232 and U.S. Army Corps of Engineers, Cocoa Regulatory Field Office, Attn: Andrew Phillips, 400 High Point Drive, Suite 600, Cocoa, Florida 32926. The Permittee shall reference this permit number, SAJ-2002-4954(NW-AWP), on all submittals.

This letter of authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. In Florida, projects qualifying for this NWP must be authorized under Part IV of Chapter 373 by the Department of Environmental Protection, a water management district under S. 373.069, F.S., or a local government with delegated authority under S. 373.441, F.S., and receive Water Quality Certification (WQC) and Coastal Zone Consistency Concurrence (CZCC) (or a waiver), as well as any authorizations required by the State for the use of sovereignty submerged lands. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

This letter does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced NWP, please contact Andrew Phillips by telephone at 321-504-3771.

Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit the following link and complete our automated Customer Service

Survey: <http://per2.nwp.usace.army.mil/survey.html>. Your input is appreciated - favorable or otherwise.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew W. Phillips", with a long horizontal flourish extending to the right.

Andrew W. Phillips
Project Manager

Enclosures

cc: NMFS; Brandon Howard

GENERAL CONDITIONS
33 CFR PART 320-330

PUBLISHED FEDERAL REGISTER DATED 13 NOVEMBER 1986

1. The time limit for completing the work authorized ends on **date identified in the letter**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: NW-27
Application Number: SAJ-2002-4954

Permittee's Name & Address (please print or type): _____

Telephone Number: _____

Location of the Work: _____

Date Work Started: _____ Date Work Completed: _____

Description of the Work (e.g., bank stabilization, residential or commercial filling, docks, dredging, etc.): _____

Acreage or Square Feet of Impacts to Waters of the United States: _____

Describe Mitigation completed (if applicable): _____

Describe any Deviations from Permit (attach drawing(s) depicting the deviations): _____

I certify that all work, and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

Signature of Permittee

Date

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMIT NUMBER: _____

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, FL 32232-0019.

(TRANSFeree-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

(BLOCK)

(NAME-PRINTED)

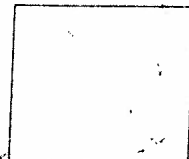
(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)



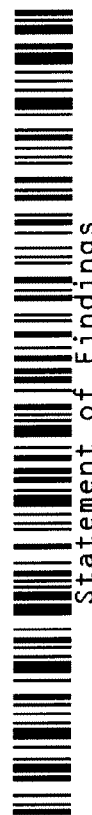
Project Location Map
Egans Creek Jasmine Blvd. Tide Barrier



SAS 2002-4954
Attachment 2

Statement of Findings

Number: _____



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31 March 2008

MEMORANDUM FOR RECORD

SUBJECT: Statement of Findings/Environmental Assessment/Finding
of No Significant Impact/Public Interest Determination

1. For each of the reissued and new Nationwide Permits (NWP), HQUSACE issued a decision document that contains an Environmental Assessment (EA), Statement of Findings, public interest review, and as appropriate, a Section 404(b)(1) Guidelines analysis. The Office of the Chief of Engineers has determined that division and district engineers will impose, as necessary, additional conditions on the NWP authorization or exercise discretionary authority to address locally important factors relating to the public interest, including any potential adverse effects on the human environment, and to ensure that the authorized activity results in no more than minimal individual and cumulative adverse effects on the environment. Supplemental documentation was prepared for the division engineer to address the individual and cumulative effects of the NWP(s) on local resources. On 12 July 2007, the supplemental documentation was issued by the division engineer and the Jacksonville District's proposed regional conditions were approved. Where required by the terms of the permit, general conditions, and/or regional conditions, the Jacksonville District will continue to perform case-specific review to ensure that the NWP will authorize only activities with no more than minimal individual and cumulative adverse effects on the environment and those activities will not be contrary to the public interest.

2. Name and address of applicant:

Florida Department of Transportation
Attn: Van Humphreys
1109 South Marion Ave.
Lake City, Florida 32025

3. Project description: A review of the information and drawings provided shows the proposed work impacts 0.09 acre of waters of the United States for the construction of a 70 foot sheet pile tide barrier adjacent to Jasmine Blvd at Egans Creek. The tide barrier will be placed to help prevent salt water from flowing south of Jasmine Blvd. The weir will include three 24 inch flap gate orifices to allow freshwater to continue to flow north. This activity meets the terms and conditions for authorization under Nationwide Permit 27, as published in the 12 March 2007, issue of the Federal Register (72 FR 11092).

4. Project location: The project is located on the south side of Jasmine Blvd., in Section 17, Township 3 North, Range 28 East,

CESAJ-RD-P (1145b)

SUBJECT: Statement of Findings/Environmental Assessment/Finding of No Significant Impact/Public Interest Determination

Fernandina Beach, Nassau County. Latitude 30.6553 Longitude -81.4393

5. Existing site conditions: Egan's Creek north of the flood gates is a salt marsh restoration area competed by FDOT in 1999. The restoration area generated mitigation credits to offset wetland impacts for FDOT projects. The proposed project area consists of 2 approximately 48" elliptical culverts which allow unrestricted flow north and south of Jasmine Blvd. Tidal water with a high salinity is flowing south underneath Jasmine Blvd. and has impacted forested freshwater wetlands south of Jasmine Blvd. The applicant has estimated 50 to 100 acres of red maple forest have been impacted by saltwater intrusion.

6. Scope of Analysis: The scope of analysis will include the impact area and extend approximately 100 acres south of Jasmine Blvd. to evaluate salinity impacts to freshwater wetlands.

7. Alternatives: See Decision Document for Nationwide Permit 27, which was approved by the Director of Civil Works on 1 March 2007, and Supplemental Environmental Assessment for Nationwide Permit 27, which was approved by the South Atlantic Division Commander on 12 July 2007.

8. Evaluation of the potential adverse environmental effects (direct, indirect, and cumulative) of the proposed activity: See Decision Document for Nationwide Permit 27, which was approved by the Director of Civil Works on 1 March 2007, and Supplemental Environmental Assessment for Nationwide Permit 27, which was approved by the South Atlantic Division Commander on 12 July 2007.

9. Mitigation required to ensure that the activity being verified by the U.S. Army Corps of Engineers (Corps) will have no more than minimal adverse effect on environment: The permittee will be required to monitor water levels, surface water salinity levels, and soil salinity levels in approximately 50 acres of wetlands located south of Jasmine Blvd. These wetlands shall be monitored for a minimum of 1 year but not exceed 2 years. At the completion of the monitoring period the permittee shall submit a comprehensive restoration plan which provides detailed functional value replacement within Egan's Creek south of Jasmine Blvd.

10. Other Federal, State, and Local Authorizations Obtained or Required and Pending:

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a. Clean Water Act Section 401 Water Quality Certification (WQC): The St. Johns River Water Management District (SJRWMD) WQC, number 4-089-81627-4, was issued on 25 March 2008.

b. Coastal Zone Management (CZM) consistency certification: The issuance of a permit by SJRWMD certifies the project is consistent with CZM requirements.

c. Endangered Species Act compliance: During the completion of the salt marsh restoration in 1999 north of the project site the permittee installed 3 flap gates with manatee exclusion gates. Therefore, no manatees can access this portion of Egan's Creek. The Corps has determined the installation of the tide gate at Jasmine Blvd. will have no effect on any federally listed species.

d. National Historic Preservation Act (NHPA) compliance: NHPA concerns will be address by the placement of a special condition in the verification letter advising Permittees to contact the State Historic Preservation Office prior to initiating work and how to proceed should unexpected cultural resources be encountered.

e. Other authorizations: N/A.

11. Special Conditions: The following special conditions will be added to any verification issued to minimize any potential adverse cumulative or direct wetland impacts.

- Within 60 days of completion of the work authorized, the attached "Self-Certification Statement of Compliance" must be completed and submitted to the U.S. Army Corps of Engineers. Mail the completed form to the Regulatory Division, Enforcement Section, Post Office Box 4970, Jacksonville, Florida 32232-0019.
- The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the

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United States. No claim shall be made against the United States on account of any such removal or alteration.

- No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Permittee or other party on the Permittee's behalf, shall conduct a search in the National Register Information System (NRIS). Information can be found at;
<http://www.cr.nps.gov/nr/research/nris.htm>. Information on properties eligible for inclusion in the National Register can be identified by contacting the Florida Master File Office by email at fmsfile@dos.state.fl.us or by telephone at 850-245-6440.

If unexpected cultural resources are encountered at any time within the project area that was not the subject of a previous cultural resource assessment survey, work should cease in the immediate vicinity of such discoveries. The permittee, or other party, should notify the SHPO immediately, as well as the appropriate Army Corps of Engineers office. After such notifications, project activities should not resume without verbal and/or written authorization from the SHPO.

If unmarked human remains are encountered, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, Florida Statutes, unless on Federal lands. After such notifications, project activities on non-Federal lands shall not resume without verbal and/or written authorization from the Florida State Archaeologist for finds under his or her jurisdiction.

- The permittee agrees to monitor water levels, surface water salinity levels, and soil salinity levels in approximately 50 acres of wetlands located south of Jasmine Blvd. These wetlands shall be monitored for a minimum of 1 year. Monitoring stations shall be located at, but not limited to, just south of Jasmine Blvd. and north of Sadler Road. If high salinity levels are recorded south of Sadler Road another monitoring station should be located south of said station. At the completion of the monitoring period the permittee shall submit a comprehensive restoration plan which provides detailed functional value replacement within Egan's Creek. The U.S. Army Corps of Engineers reserves the

CESAJ-RD-P (1145b)

SUBJECT: Statement of Findings/Environmental Assessment/Finding
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right to fully evaluate, amend, and approve or reject the restoration proposal.

- Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas adjacent to wetlands shall be stabilized using sod, degradable mats, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.
- All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232 and U.S. Army Corps of Engineers, Cocoa Regulatory Field Office, Attn: Andrew Phillips, 400 High Point Drive, Suite 600, Cocoa, Florida 32926. The Permittee shall reference this permit number, SAJ-2002-4954(NW-AWP), on all submittals.

12. Public interest review: See Decision Document for Nationwide Permit 27, which was approved by the Director of Civil Works on 1 March 2007, and Supplemental Environmental Assessment for Nationwide Permit 27, which was approved by the South Atlantic Division Commander on 12 July 2007.

Additionally, the Corps was contacted by Mr. Clinch Kavanaugh. Mr. Kavanaugh is concerned that installing tide gates is not the appropriate restoration method and the area south of Jasmine Blvd. should be returned to a salt marsh community. Further, Mr. Kavanaugh provided information regarding an abandon dump which resides within the Egan's Creek restoration area. Mr. Kavanuaugh is concerned that pollutants could be impacting the site.

The Corps conducted a field review of Egan's Creek restoration area, the dump location, and the area south of Jasmine Blvd. The Corps did not observe any visual evidence of pollutants impacting vegetation or surface waters at any of the locations. The Corps has considered Mr. Kavanaugh's concerns and determined the installation of a tide barrier and the monitoring of the impact site is the appropriate measure to stop further impacts to the freshwater wetlands located south of Jasmine Blvd. The Corps

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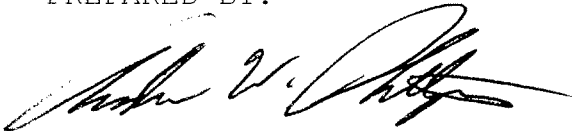
SUBJECT: Statement of Findings/Environmental Assessment/Finding
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will review and approve any restoration measures proposed by the
applicant.

13. Finding of No Significant Impact: See Decision Document for
Nationwide Permit 27, which was approved by the Director of Civil
Works on 1 March 2007.

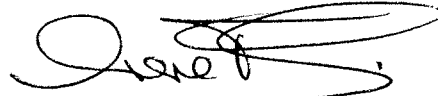
14. Public Interest Determination: This activity, if conducted
in accordance with the terms and conditions of the NWP and the
special conditions stated in the NWP verification letter, will
not be contrary to the public interest.

PREPARED BY:



Andrew W. Phillips
PROJECT MANAGER

REVIEWED BY:



Irene Sadowski
Chief, Cocoa Permits Section